

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

DALE B. ADAMS

PLAINTIFF

v.

Case No. 3:10-CV-03120

UNITED STATES DEPARTMENT OF
AGRICULTURE; and THOMAS L. VILSACK,
United States Secretary of Agriculture

DEFENDANTS

ORDER

Currently before the Court is the Report and Recommendation (Doc. 41) filed in this case on August 10, 2012, by the Honorable James R. Marschewski, Chief United States Magistrate Judge for the Western District of Arkansas. The objection period has passed without objections being filed by either party.¹

The Court has reviewed this case and, being well and sufficiently advised, finds as follows: the Report and Recommendation is proper and should be and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendations, IT IS ORDERED that Defendants' Motion for Summary Judgment (Doc. 26) is GRANTED IN PART and DENIED IN PART. Defendants' Motion is granted insofar as Plaintiff's FOIA claims concerning Requests 3-7 and Appeal 2, all claims under the APA, all claims for expedited processing and/or for a delay in processing, and the portions of Requests 1-2 that rely on exemptions §§ 552(b)(6) and 552(b)(7)(C) are DISMISSED.

¹ The Court notes that, subsequent to the entry of the Report and Recommendation in this case, Mr. Adams did ask the Court on August 10, 2012, in case 3:12-cv-03076-PKH, to dismiss "every FOIA case" he had filed with this Court, including the instant matter. (Doc. 4, case 3:12-cv-03076-PKH). He withdrew that request just 13 days later on August 23, 2012. (Doc. 5, case 3:12-cv-03076-PKH).

IT IS FURTHER ORDERED that Defendants' Motion is denied, at this time, with respect to Plaintiff's FOIA claims concerning Requests 1 and 2 and Appeal 1 based on the United States Department of Agriculture's claim that the records are exempt from disclosure under § 552(b)(4).

IT IS FURTHER ORDERED that Defendants are directed to file a supplemental summary judgment motion, on or before October 12, 2012, with a more detailed *Vaughn* index and accompanying declarations as to the claims that remain pending.

IT IS SO ORDERED this 26th day of September, 2012.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE